

To Chairman Genachowski and whom this may concern at the FCC,

On April 6, the D.C. Circuit Court appeared to strike a serious blow against net neutrality – the idea that internet service providers like Comcast, AT&T and Verizon should treat all customers equally as opposed to acting as gatekeepers over what you can see and do online.

But as often is the case, what the media has reported doesn't really tell the full story. According to media reform organization Free Press, The Federal Communications Commission could implement a simple fix, completely within the FCC's authority, that would reverse the impact of the ruling. There is no need for congress to pass new legislation.

The fact is that the April 6 ruling was based on the FCC's own decision during the Bush Administration to classify broadband internet service as something different from other telecommunications, so the FCC would have less ability to regulate it. As we well know, the Bush administration pushed deregulation, which gives big corporations more power, at virtually every opportunity.

Access to a free and open internet is very important. I urge the FCC to re-classify broadband providers as telecommunications service providers, thereby re-establishing the FCC's power to protect net neutrality. While there is no deadline for the FCC to make a reclassification decision if you wait too long you may have to abandon dozens of policy changes proposed under The National Broadband Plan to bridge the U.S.'s Digital Divide and preserve Net Neutrality simultaneously.

Put simply we will soon have to make a wonky but controversial decision that could have a profound impact on how much consumers pay for broadband, how fast their services will be – and possibly whether millions of people will be able to get it at all.

Chairman Genachowski you could do right by the public and ensure that the FCC has the power to set rules for high-speed Internet service if you ask fellow regulators to define it, in legal terms, as a highly regulated common carrier service like telephones. Or you can allow the status quo and let cable and phone companies call the shots by allowing it to remain a lightly regulated information service.

Again it is worth noting there's no deadline for a decision. But if you wait too long, you may have to abandon dozens of policy changes that you proposed to close the digital divide and protect broadband subscribers.

This would mean if you do not act decisively and protect Internet users as Josh Silver, Executive Director of media reform and public interest lobbying group Free Press.Net puts it you will have no legacy.

I stand with Free Press in asking the FCC for more broadband oversight.

I understand and must warn you though if you do act decisively it is likely phone and cable companies would launch an "all out attack" on the FCC leading into this year's congressional elections, "with charges of lost jobs, lost investment, lost (broadband) deployment and more Democratic meddling in industry. However, standing up to the corporate special interests and doing what's right for the public interest is too crucial. The FCC cannot cave so easily to corporate interests.

In Comcast v. FCC despite the court's unfortunate ruling against the FCC -- in a case Comcast filed against the former Bush Administration led FCC for penalizing Comcast for deceptively blocking Bit Torrent (not only were they doing so but they tried to hide the fact they were doing so from the public and the FCC -- then when the public found out they complained to the FCC which investigated and found Comcast guilty of messing with Net Neutrality) the FCC can still reassert its legal authority to protect Internet users by reclassifying broadband asap as a telecommunications service.

All ISPs should be required to treat all legal content and web services equally with strong Net Neutrality rules of nondiscrimination.

The fact is rules are badly out of date and if the FCC updates, revises and/or strengthens the rules in any way with new regulations to protect consumers it is likely all the incumbents would sue to protect the status quo. However, this is a fight we are willing to have -- Net Neutrality as long as its future was not in any danger was being abided by the incumbents. We have always had Net Neutrality and the incumbents always complied with it before 2005. Ever since 2005 and the former Bush Administration led FCC released their Internet Policy Statement with a few key freedoms for Internet users that neglected to include the nondiscrimination rule Net Neutrality's future has come into doubt and ISPs have started to try and engage in discriminatory activities.

I also understand if the FCC seeks to reclassify broadband the two Republicans on the FCC may try to fight to prevent such a reclassification even though it is badly needed in order for the FCC to protect Internet users.

However, even if there is a lawsuit it is worth fighting to protect Net Neutrality and to restore common carrier regulations on the broadband market.

Chairman Genachowski I am prepared to stand with you and Democrats on the FCC in supporting reclassification as are all Americans concerned with the need to preserve Net Neutrality.

If you decide you want to defuse the issue you could try to reach a compromise however, even in

doing so don't accept any compromise that weakens the FCC's position and authority to a) implement the National Broadband Plan and b) protect Net Neutrality.

While reclassification isn't a sexy issue, as the Internet becomes the main pipeline for media and communications, the FCC's rules will shape everything that people use to interact with the world. Thus, I am writing you once more to pass a strong set of Network Neutrality rules of nondiscrimination and a new approach to protecting Net Neutrality the courts can't block or overturn as they did in Comcast v. FCC. The only approach I can tell that will enable the FCC to do so entails reclassifying broadband as a telecommunications service to protect consumers.